IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 27TH NOVEMBER 2007 / 6TH AGRAHAYANA 1929

Crl.MC.No. 3343 of 2007()

CR.NO.11/2007 OF EXCISE RANGE OFFICE, KURAVILANGADU,KOTTAYAM

PETITIONER: ACCUSED NOS.1 & 2:

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1. THOMAS, S/O. LUKA,
KUNCHARAKKATTU HOUSE, KIDANGOOR P.O.,
KIDANGOOR VILLAGE, MEENACHIL TALUK,KOTTAYAM DIST.

2. MATHEW THOMAS, S/O. THOMAS,
MANGALATHOTTU HOUSE, KOODALLOOR P.O.,
KIDANGOOR VILLAGE, MEENACHIL TALUK, KOTTAYAM DIST.

BY ADV. SRI.C.C.THOMAS

RESPONDENTS: COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY EXCISE INSPECTOR,EXCISE RANGE
OFFICE, KURAVILANGADU, KOTTAYAM DISTRICT,
BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.M.S.BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 27/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.3343 of 2007

Dated this the 27th day of November, 2007

O R D E R

The learned counsel for the petitioners prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied that in the light of the decision in **State of Kerala and Others v. Unni** [2007 (1) KLT 151 (S.C)], this prosecution in which the only allegation is that the percentage of Ethyl Alcohol in toddy exceeds the permissible figure cannot be sustained. This Crl.M.C is, in these circumstances, allowed. All proceedings in pursuance of C.R.No.11 of 2007 of Kuravilangadu, Kottayam District is hereby quashed.

(R.BASANT, JUDGE)

rtr/-